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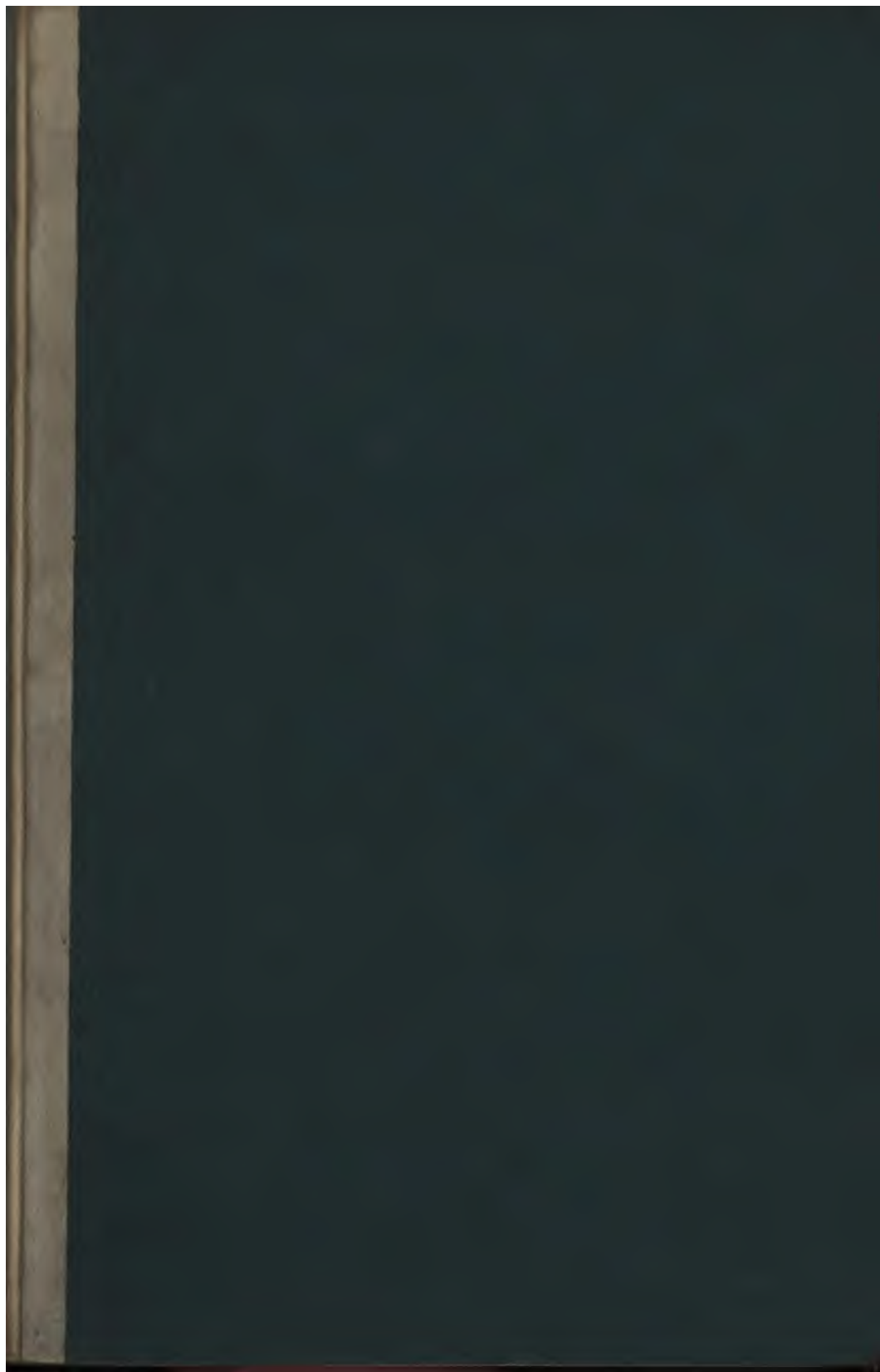
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37-1038



THE
DIFFICULTIES AND IMPROBABILITY
OF
Persons recovering their Right,
BY
CIVIL OR LEGAL PROCESS,
WHO DO NOT POSSESS THE MEANS TO EMPLOY
COUNSEL;

EXEMPLIFIED IN LETTERS TO
LORD CHANCELLOR BROUGHAM, LORD MELBOURNE,
LORD DUNCANNON, THE DUKE OF WELLINGTON,
LORD DENMAN, AND JOSEPH HUME, ESQ., M.P.

HUMBLY SUBMITTED TO THE CONSIDERATION OF THE LEGISLATURE,
IN THE HOPE THAT SOME ALTERATION WILL BE EFFECTED
IN A SYSTEM WHICH IS UNJUST IN PRINCIPLE, CRUEL IN OPERATION,
AND RUINOUS IN ITS CONSEQUENCES.

BY A JOURNEYMAN BOOKBINDER.

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1038.

32



LETTERS, &c.

I.

To the Right Honourable LORD BROUGHAM, Lord High
Chancellor of Great Britain.

My Lord,

Jan. 20, 1834.

The humble individual who has now taken the liberty of addressing you, applied to your Lordship in open Court for assistance to recover property which has been unjustly withheld from his family for the last thirty years; your Lordship was pleased to say that you could not attend to it in that shape, and I was directed to your Lordship's secretary's office to obtain assistance. I was there informed that I should bring an opinion of counsel. I applied to Mr. Boteler, and laid before him a copy of the will * of the testator, and also a copy of a letter † received from E—s of Ely, (which I have taken the liberty of enclosing,) and stated that I claimed, in right of my wife and her sisters, (they being the daughters and co-heiresses of the late W——n of Ely,) the moiety of the dwelling house and appurtenances, which W——m of Ely bequeathed to W——n, and that W——n had received the piece of land in Caudle Fen ‡, mentioned also in the will, but that B—s, who was entitled in right of his wife to the other moiety of the dwelling house and appurtenances, got possession of the estate, and sold it *privately* to a person named W——e. I also stated to Mr. Boteler, that in consequence of W——n's poverty he never was able to prosecute his suit, and that recently I had applied to a solicitor, and had collected all the documents required for bringing the cause into Court, when that

* See No. XXXI.

† See No. XXXII.

‡ This piece of land is *copyhold*, which W——n sold to a person named Marshall, and it is entered on the court roll of the manor of Ely.

gentleman received a letter from E—s of Ely, which caused him to decline taking further proceedings. After making these statements and remarking on the improbability of the accuracy of E—s's statement, Mr. Boteler directed me to search if a fine had been levied on the estate, as that he said would alter the case. I ascertained that no fine had been levied. Mr. Boteler then said that he knew E—s to be a man of respectability, and that he would not have written such a letter had he not been in possession of the *Deed* therein mentioned. I informed Mr. Boteler that when this transaction took place, ——— was destitute of the common necessities of life from his own resources, and that he was living on the bounty of B—s; also that application had been made recently (by one of the children of W——n) to W——e, and also to E—s, requesting a sight of the *Deed*, but after considerable delay and evasion E—s said he was not disposed to show her that which she required. Mr. Boteler then said he would consult with Mr. Le Marchant on the subject, and afterwards informed me that Mr. Le Marchant was of the same opinion with himself, and the papers were returned to me.

Sensible, my Lord, of the impropriety of making any statement to your Lordship privately, I beg to say that it is my intention to make this letter as public as possible, for I am aware from experience of the hindrances thrown in the way of persons in my circumstances by the profession, that I am compelled to adopt this mode of proceeding for redress, and my Lord, as a British subject, and unable to pay the fees of Court, I do most humbly solicit at your Lordship's hands that assistance which the laws of my country allow.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

II.

Sir,

Jan. 23, 1834.

I am directed by the Lord Chancellor to return your papers.—His Lordship can add nothing to the assistance you have already received.

Yours, &c.

To Mr. Frederick Bull.

D. LE MARCHANT.

III.

To the Right Honourable LORD BROUGHAM, Lord High
Chancellor of Great Britain.

My Lord,

Feb. 24, 1834.

I beg to acknowledge the receipt of an answer to my letter through the medium of your Lordship's secretary, (Mr. Le Marchant,) which states that your Lordship cannot render me any further assistance than I have already received. I beg most humbly to submit, that I have received *no assistance*, but the contrary, for every obstacle has been thrown in my way to prevent the recovery of property which has been unjustly withheld from my family, and which has entailed more ruinous consequences than ever was entailed on any family by a highway robber, for it unfitted W———n for business, his children were consequently obliged to be sent into the world to get their livelihood at a tender age, without education, and eventually W———n's mind was so much affected that it was bordering on a state of insanity. Had the purchaser of the estate, the person who sold it, or the solicitor who conveyed, been men possessed of common honesty, they would have said, "W———n why do you harass your mind about this property,—here is the *Deed* which your uncle executed after he had made his will, and by which you can clearly perceive you have no claim to the estate." But what has been the conduct of these men? they suffered themselves to be harassed by W———n as long as he lived, and also subjected themselves to the suspicious reflections of the inhabitants of Ely, and never thought of that subterfuge (I mean the *Deed*) until recently, when they expected that my claim would be brought to an issue. Under these circumstances, my Lord, I do most humbly hope your Lordship will be pleased to reconsider the subject, and render that assistance which the necessity of the case requires, and the laws of the country allow.

I am, my Lord,

Your Lordship's most obedient humble servant,
FREDERICK BULL.

IV.

To the Right Honourable LORD BROUGHAM, Lord High
Chancellor of Great Britain.

My Lord,

March 11, 1834.

It is with reluctance that I again attempt to address you, but I must confess that I am in some degree emboldened to do so, from the recollection of what your Lordship has done in the removal of public abuses ; I must also acknowledge that I anticipated a ready assistance in the recovery of the property which has been so unjustly withheld from my family ; it has often been a subject of surprize to me, that a person in my situation should experience so much difficulty in recovering that which is his right ; — how readily, my Lord, does the law lend its aid to an individual who is attacked on the highway, — if his loss be only of the most trifling description, no expence is spared to bring the delinquent to justice ; and, my Lord, with deference I would ask, why is not the same assistance given in civil as well as in criminal cases, where the injured party have not the means to employ counsel ? I am aware of the multiplicity of business your Lordship has to attend to, which, probably, is the cause of your Lordship not having paid that attention to my claim which otherwise you would have done. I humbly submit that I have produced sufficient for your Lordship to allow my plea, and for the Court to call on the person *in possession of the estate to show by what authority he holds possession*. Probably the impression on your mind is, that this is the first attempt which has been made for the recovery of this property ; I can assure your Lordship, the business has been in the hands of at least a dozen solicitors during W——n's lifetime, and W——n always declared that improper means were employed, which caused them to decline proceeding, and, my Lord, E—s's letter * to Mr. W——n is an admission of the fact, — for where was the necessity for W——e (as E—s states) to be "put to considerable trouble and expence," if he possessed the *Deed*, which E—s says has passed through his office ? My Lord, if more corroborative circumstances were necessary to prove my claim, I could produce them in abundance, but I shall only trouble your

* See No. XXXII.

Lordship with one or two more: first, the declaration of E—s to Mr. W——n's clerk *, "that he never heard of the circumstance before, and was surprized that such a transaction should have occurred in Ely without his knowledge." The other, and not less important, my Lord, is the confession of H——h, the wife of B—s, in her last illness, to the wife of W——n, that the "unjust manner in which her husband and —— had acted towards W——n's family *very much disturbed her mind.*"

My Lord, I confidently hope that my appeal to your Lordship will not be in vain, and that I shall not only be enabled to recover my right, but prove, in this instance, to the world, what Lord Chief Justice Best said in his charge to a jury (of which I composed one), that "an unprincipled solicitor is a pest to society."

I am, my Lord,

Your Lordship's most obedient humble servant,
FREDERICK BULL.

V.

To the Right Honourable LORD BROUGHAM, Lord High
Chancellor of Great Britain.

My Lord,

March 24, 1834.

The deprivation of right is that to which the human mind cannot quietly submit, especially when it has been attended with injurious consequences. The subject which I have before taken the liberty of bringing under your consideration, and craving your Lordship's assistance, is one of no small moment considered in its results, and which the accused parties can never make an adequate compensation; the facilities which solicitors possess are great, and if directed by a right principle are a benefit to society, but, my Lord, the injuries inflicted on families and society by characters of an opposite description are incalculable. If the family with whom I am connected, and in whose welfare I am interested, had been treated with justice, how different would have been their condition in life! instead of labour and toil for their daily bread, they

* See No. XXXII. *note.*

would in all probability have enjoyed an easy competency,— the withholding of which has acted as a destructive entail (if I may be allowed the expression), and its ruinous consequences cannot be cut off; but with great deference do I appeal to your Lordship as the judicial guardian of the people's rights, and the legal protector of the injured, for reparation as far as the law will admit, and show that however influential the accused parties may now be—the even hand of justice knows no distinction.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

VI.

To the Right Honourable LORD BROUGHAM, Lord High
Chancellor of Great Britain.

My Lord,

April 9, 1834.

The right of the subject to appeal to the laws of his country for reparation when injuries have been inflicted is, I believe, not disputed even by the profession, and that the courts of justice are open to rich and poor, is an axiom admitted by all; but the problem to be solved is, how to get access. In my individual case is verified the comparison which a great man* drew between the courts of law and the splendid tavern, for I have made no less than four appeals in writing, and one personal application in open court for assistance,— I have endeavoured to state the grounds of my claim, and also produced such corroborative circumstances, which in my humble opinion must convince your Lordship that my claim is not unfounded. The Legislature, my Lord, have made ample provision for the judicial chair, and never intended that the rich man exclusively should have the benefit of its decrees. I humbly submit that Mr. Boteler's and Mr. Le Marchant's conclusions are drawn from wrong premises, namely, the respectability of the accused parties, or, in other words, they possess property; but, my Lord, a slight knowledge of human nature will convince that property will not always make a man honest,— will not

* Horne Tooke.

always prevent a man telling a falsehood,—will not always cause a man to act with integrity ; and, my Lord, this is the position of my case,—this is the point at issue,—if this is equity, I contend that the Court of Equity exists only in name,—it is a nonentity as regards my case. I must confess, my Lord, I am ignorant of the latitude allowed to persons in my situation, and probably I have overstept its limits ; but knowing your whole public life has been devoted to the removal of abuses, I hope your Lordship will pardon the course I have adopted. I therefore appeal to your Lordship's judgment,—I appeal to your humanity, not only on behalf of my injured family, but also on behalf of my country, for your Lordship's judgment in this case, that those who make choice of the profession may know that they are not to abuse the advantages they possess,—they are not to lend their aid to the ruin of their poor neighbour,—they are not to accumulate wealth by fraud and peculation with impunity.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

VII.

To the Right Honourable LORD BROUGHAM, Lord High
Chancellor of Great Britain.

My Lord,

May 20, 1834.

The man who possesses property has the "one thing needful," it smooths the "rugged path of life," and bids defiance to the oppressor,—then, like the gentle stream, life glides smoothly on to its termination. But the reverse is the condition of the poor man,—he is exposed to oppression, cruelty, and fraud, and the laws of his country, the enactment of which was for his protection, are closed against him. These assertions, my Lord, are verified in my family ; for had they possessed property, B—s never would have attempted to sell, nor — dared to convey, the estate without a title ; if my family had possessed property, their share of the estate would have been recovered without difficulty. It has been suggested to me, my Lord, that my written statements will not reach their destination, and I know from experience your Lordship will not allow me to state my case in open court ; it is, therefore,

my intention, as a last resource, to appeal to the Legislature of the country*, and give the public an opportunity of judging of the merits of my case.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

VIII.

To the Right Honourable LORD MELBOURNE, Secretary of
State for the Home Department.

My Lord, July 7, 1834.

I am an humble individual, but as a British subject consider myself entitled to the protection of the laws of my country in an equal degree with the richest subject of the realm. I have to complain of injustice having been exercised towards me, and humbly request that your Lordship will be pleased to lay my Petition before the King.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

IX.

To The KING's Most Excellent MAJESTY.

The humble Petition of Frederick Bull, of the Parish of St. Luke
in the County of Middlesex,
Sheweth,

That your Majesty's Petitioner is entitled in right of his wife to property situated in the city of Ely in the county of Cambridge, which has been unjustly withheld from his family for the last thirty years; that the moiety of the estate was bequeathed by the late W——m of Ely to the late W——n (the nephew of the testator), your Petitioner's father-in-law :

That the other moiety of the estate was bequeathed to H——h the niece of the wife of the testator, and wife of the late B——s of

* The Petition was prepared, and application made to several members of the House of Commons to present it, but without success.

Ely. Your Petitioner begs to state to your Majesty, that the said B—s got possession of the estate, and that the said B—s, with the assistance of a solicitor, sold and conveyed the estate *privately* to a person named W——e :

That your Majesty's father-in-law made repeated attempts to recover his share of the property, but his limited circumstances prevented him obtaining his object :

That your Majesty's Petitioner has cause to complain of injustice in not being allowed to state his case in open court, and also in not having that assistance rendered him which he considered he had a right to receive :

That your Majesty's Petitioner considers the right of the subject abrogated in your Petitioner's case :

That your Petitioner most humbly hopes your Majesty will be pleased to take into consideration his claim, and render your Petitioner that assistance which the laws of the country allow :

And your Majesty's Petitioner, as in duty bound, will ever pray.

X.

Sir,

Whitehall, July 19, 1834.

I am directed by Viscount Melbourne to inform you, that your Petition has been laid before the King, but Lord Melbourne is sorry that yours is a case in which the Secretary of State cannot advise his Majesty to interfere.

I am, Sir,

Your obedient servant,

To Mr. Frederick Bull.

S. M. PHILLIPS.

XI.

To the Right Honourable VISCOUNT MELBOURNE.

My Lord,

July 21, 1834.

I beg to acknowledge the receipt of a letter from Mr. Phillips, your secretary, stating that your Lordship had laid my petition before the King, but that it is a case in which you could not advise his Majesty to interfere. My Lord, I cannot reconcile

such a declaration with justice, equity, or reason. My written statements to the Lord Chancellor, respecting the property which has been unjustly withheld from my family, are plain and incontrovertible; and, my Lord, if I am to have no redress, where is the boasted Constitution of the Country, — where the equality of the laws, — where are the rights of Englishmen? are they diminished in a reformed Parliament, or are they to be more partially administered *now*, when the people justly expect an extension of their privileges? My Lord, I hope you will pardon this warmth of expression, for I do think that if your Lordship were in possession of my case, that nicety of etiquette would have had no influence on your Lordship's mind. The even hand of justice, my Lord, knows no distinction, and with all deference I would ask why should the principle be departed from in this instance? The case is one, my Lord, of no common occurrence as regards its results, for instead of the family enjoying the comforts of life, they were obliged to be sent into the world to get their livelihood at a tender age, without education, and the parents subjected to all the misery and privations attendant on poverty. It is a case which claims your Lordship's assistance on public grounds, for the family never would have been deprived of this property had not a solicitor lent his assistance. Unfortunately, the profession abounds with unprincipled men; and, my Lord, when their nefarious practices can be detected, I contend that a public good is effected in their exposure.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

XII.

To the Right Honourable LORD DUNCANNON, Secretary of
State for the Home Department.

My Lord,

Nov. 1834.

As the laws of the country allow an equal degree of protection to rich and poor, I consider I am asking no more than a constitutional right in requesting your Lordship to lay my Petition before the King. I beg to inform your Lordship, that I made the same request to your predecessor (Lord Melbourne), and have taken

the liberty of enclosing a copy of his Lordship's answer. In my humble opinion, my Lord, the high and responsible office of Secretary of State for the Home Department requires nothing but a straightforward line of duty, and no consideration of rank or personal friendship ought to have the least influence to the injury of the meanest subject. Under these considerations, I do hope your Lordship will be pleased to advise his Majesty to direct the Attorney General to look into my case, for I am confident our most gracious Sovereign would never suffer one of his subjects to be deprived of his right, without readily granting that assistance for its recovery which the laws of the country allow.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

XIII.

To his Grace the DUKE of WELLINGTON.

My Lord,

Dec. 3, 1834.

I hope your Lordship will pardon the liberty I have taken in sending the enclosed papers for your perusal, and also in requesting your Lordship will be pleased to lay my petition before the King; it is a case of great cruelty and oppression, and I do think that after the perusal of them, your Lordship will come to the conclusion that justice has been withheld from me by those whose duty it is to administer the laws with an even hand.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

XIV.

London, Dec. 3, 1834.

The Duke of Wellington presents his compliments to Mr. Bull; the Duke has received his letter of this day's date: the Duke returns the enclosures, and begs leave to acquaint him he conceives that the proper course for Mr. Bull to pursue will be to apply to the Court of Chancery.

XV.

To his Grace the DUKE of WELLINGTON.

My Lord,

Dec. 4, 1834.

I beg to acknowledge your Lordship's kindness and condescension in replying to my request, but am sorry to say that I know from experience, that your Lordship's advice, to apply to the Court of Chancery, will be of no avail.

As my circumstances, my Lord, will not enable me to employ counsel, unless his Majesty will be pleased to direct the law officer of the Crown to look into my case, I consider that any further application on my part to the courts of law for redress will be useless.

I am, my Lord,

Your Lordship's most obedient humble servant,

FREDERICK BULL.

XVI.

To his Grace the DUKE of WELLINGTON.

My Lord,

Dec. 8, 1834.

The great reluctance on the part of the judges to allow persons to sue in formâ pauperis is, in my humble opinion, an inducement for unprincipled solicitors to practise frauds on the public, and, my Lord, as I understand, it is perfectly constitutional for an humble individual like myself to approach the Throne, I do now appeal to your Lordship, as a gentleman of known integrity, to grant me the facilities to lay my petition before the King, for I am confident our most gracious Sovereign would never suffer the meanest of his subjects to be deprived of their right without readily granting them that assistance which the laws of the country allow.

I am, my Lord,

Your Lordship's most obedient humble servant,

FREDERICK BULL.

XVII.

London, Dec. 8, 1834.

The Duke of Wellington presents his compliments to Mr. Bull, and has received his letter. The King is always ready to receive the petitions of his subjects. In matters relating to courts of justice they should petition through the court.

XVIII.

To his Grace the DUKE of WELLINGTON.

My Lord,

Dec. 9, 1834.

Although I am greatly disappointed at the result of my application to your Lordship, to grant me the necessary facilities to lay my petition before the King, I beg to acknowledge your gentlemanly conduct and kindness in promptly replying to my request, and to say that I shall avail myself of your Lordship's direction by applying to the court by petition.

I am, my Lord,

Your Lordship's most obedient humble servant,
FREDERICK BULL.

XIX.

To the Right Honourable LORD DENMAN, Lord Chief Justice
of the Court of King's Bench.

My Lord,

Feb. 25, 1835.

The irregular mode in which I took the liberty of applying to your Lordship yesterday in open court for permission to sue in formâ pauperis was adopted from sheer necessity, and being acquainted with your Lordship's disposition and kindness for upwards of thirty years, (for I had the honour of waiting upon your Lordship all the time you were at the University,) has induced me to send the enclosed papers for your Lordship's perusal. My claim, in my humble opinion, cannot be justly disputed; but the obstacle to its recovery is my inability to procure legal assistance. This liberty I have taken merely to convince your Lordship that I did not unnecessarily trouble the court. I beg to say that the instruction * which your Lordship was so kind to give me is, in a pecuniary point of view, impracticable.

Unless the law of the land will allow the same assistance in civil as in criminal cases, those persons who have been the cause of depriving my family of their right by this transaction must still enjoy their ill-gotten wealth with impunity.

I am, my Lord,

Your Lordship's most obedient humble servant,
FREDERICK BULL.

* To submit the case to counsel.

XX.

Portland Place, April 14, 1835.

Lord Denman presents his compliments to Mr. Bull, and begs to inform him that he cannot enter into any private communication on matters that may come judiciâly before him. There is no difficulty in bringing an action in formâ pauperis if the affidavit can be made, and a barrister will certify that there is cause of action.

XXI.

To the Right Honourable LORD BROUGHAM.

My Lord,

July 18, 1835.

It being my intention to print and publish the enclosed manuscript in the form of a pamphlet, and your Lordship's name standing so prominently therein, I have taken the liberty of sending it first for your perusal, for I must think that the papers were withheld from your Lordship when Chancellor, or I should have received that assistance at your Lordship's hands which the necessity of the case requires, and which justice demands,

I am, my Lord,

Your Lordship's most obedient humble servant,

FREDERICK BULL.

XXII.

To the Right Honourable LORD BROUGHAM.

My Lord,

Aug. 10, 1835.

On the 18th of last month (July) I took the liberty of sending a manuscript directed to you, for your Lordship's perusal, and which I intend to publish; it contains letters addressed to your Lordship when Chancellor, respecting property which I claim, soliciting your Lordship's assistance for its recovery; the manuscript in all probability never reached its destination, but I should esteem it a favor if your Lordship would be pleased to direct that it be returned.

I am, my Lord,

Your Lordship's most obedient humble servant,

FREDERICK BULL.

XXIII.

To the Right Honourable LORD BROUGHAM.

My Lord,

Aug. 19, 1835.

I have not willingly, nor I presume without a cause, troubled your Lordship respecting my claim. However irregular my proceedings may have been, they were adopted from sheer necessity. The civil code of our laws may be good in itself, but the system must be bad, if individuals can be plundered of their rights, and no remedy afforded, unless they possess the means to employ counsel; and I must confess, my Lord, that I entertained great hopes that your Lordship would render assistance in my case when Chancellor, it being, I consider, so similar to numerous abuses which your Lordship has publicly reprobated and condemned. My object now is to request that your Lordship will be pleased to direct the return of the manuscript which I took the liberty of sending for your perusal.

I am, my Lord,

Your Lordship's most obedient humble servant,

FREDERICK BULL.

XXIV.

To the Right Honourable LORD BROUGHAM.

My Lord,

Sept. 2, 1835.

Will your Lordship have the goodness to return my manuscript which I took the liberty of sending for your perusal previous to its being printed and published.*

Your humble servant,

FREDERICK BULL.

XXV.

THE Case was subsequently submitted to Counsel. The following is Mr. Thesiger's Opinion :

It is the duty of counsel not to certify in order to enable a party to sue in formâ pauperis unless he is satisfied that there is a fair and reasonable ground for asserting the claim which it is de-

* The manuscript was returned on the 5th of September, without a reply.

sired to litigate. In the present instance I entertain no doubt at all that any attempt to disturb the possession of Mr. W—e must be unsuccessful. It is unnecessary to advert to the probability or improbability of Mr. W—m having conveyed his freehold property between the time of his will and his death. For the purpose of putting the hopelessness of any assertion of right to it by Mr. Bull in the most striking point of view, I will assume that it passed to W——n by the devise. On the death of Mrs. W——m in 1798, W——n was entitled to the possession with Mrs. B—s as tenants in common, but at that period it was probably taken possession of by B—s, and in the following year conveyed to W——e, who has been in uninterrupted possession for thirty-seven years.

This possession was adverse to W——n, and of course to his heirs after him : and therefore the Statute of Limitations has barred the remedy of Mr. Bull, and he cannot possibly succeed in making out a case for the land.

FRED. THESIGER.

Temple, 20th April 1836.

XXVI.

To the Honourable the COMMONS of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of Frederick Bull, of the parish of St. Luke in the county of Middlesex,

Sheweth,

That your Petitioner is entitled, in right of his wife, to property situated in the city of Ely, in the county of Cambridge, which has been unjustly withheld for the last thirty years from his family. That the moiety of the estate was bequeathed by the late W—m of Ely to the late W——n (the nephew of the testator), your Petitioner's father-in-law. That the other moiety of the estate was bequeathed to H—h the niece of the wife of the testator, and wife of the late B—s of Ely. Your Petitioner begs to state to your Honourable House, that the said B—s got possession of the estate ; and that the said B—s, with the assistance of a solicitor, sold and

conveyed the estate *privately* to a person named W—c. That your Petitioner's father-in-law made repeated attempts to recover his share of the property, but his limited circumstances prevented him attaining his object. That your Petitioner begs to state to your Honourable House, that your Petitioner applied personally in open court to the Lord Chancellor Brougham, for permission to sue in formâ pauperis for the recovery of his right, but that nobleman turned a deaf ear to your Petitioner's supplications. That your Petitioner subsequently made an application to Lord Denman, who informed your Petitioner, that if a barrister would certify that there was cause of action the Court would then assist him. That your Petitioner begs to state to your Honourable House, that in compliance with Lord Denman's directions, your Petitioner's case was with pecuniary difficulty submitted to Counsel (Mr. Thesiger), and that Counsel's opinion is, that your Petitioner is barred from recovery by the Statute of Limitations, thereby depriving your Petitioner of that assistance which the Court of King's Bench would have rendered your Petitioner for the recovery of his property. That your Petitioner humbly hopes, that your Honourable House will be pleased to enact some measure which will facilitate and enable the poor man to recover his right, and prevent him in future from being deprived of any property, arising from a cause over which he has no control,—namely his poverty.

And your Petitioner will ever pray.

We the undersigned Freeholders of Middlesex, should feel obliged if Mr. Hume would present and support the prayer of the above Petition.

[Signed by seventeen freeholders.]

XXVII.

To JOSEPH HUME, Esq., M. P.

SIR,

Aug. 12, 1836.*

To simplify our civil code of laws, and make them easy of access to the community at large, is an object most desirable to be attained. That our present code of laws, or more strictly speaking, the circuitous and expensive mode by which they are administered, is an evil which cannot be too much reprobated and condemned ; for it is a fact which cannot be controverted, that the poor man is excluded from obtaining redress, and the system also holds out a temptation to unprincipled practitioners to lend their assistance to fraudulent transactions.

The assimilation of the civil and criminal code is nothing more than justice and reason demands, for it is monstrous to witness the disparity in their application ; — a poor wretch in a starving condition, who deprives another of a trifling article, is banished his country and deprived of his liberty ; whereas fraud and robbery is committed in a different shape with impunity, unless the injured party possess the means to fee counsel. It is much to be deplored that such a system, such an anomaly in the law, should still continue to exist ; it cannot be concealed, that a certain description of solicitors do assist to a very great extent in frauds, which they know will entail ruin on families for generations to come ; and it must be admitted, that an alteration in a system so unjust in principle, cruel in operation, and ruinous in its consequences, would not only be a national good, but also an honour to the Legislature of the Country.

These, Sir, are the sentiments which it was my hope would be conveyed to the House of Commons on the presentation of my Petition ; and I cannot forbear expressing my surprize at the apparent indifference with which you treated my application last evening, especially so, when I consider that the Petition was signed by Seventeen Freeholders of the County, who voted for you at the last election, and some of them the most active and *disinterested* members of your committee.

The assertion, that you have nothing to do with Courts of Law, appears to me inexplicable ; for, with all submission, I would ask,

* The Petition was presented on the following Monday, Aug. 15.

where do the Laws in the greater proportion originate but in the House of Commons ? It is the House of Commons that I consider I am entitled to lay my grievance before, redress in the Courts of Law having been delayed until the Statute of Limitations has barred recovery; and I must think, that were you fully in possession of my case, you, Sir, would pronounce it one of the most cruel transactions that ever a Solicitor lent his assistance to.

I am, Sir,
Your most obedient humble servant,
FREDERICK BULL.

XXVIII.

To the Right Honourable LORD DENMAN.

My Lord,

Nov. 15, 1836.

Should it not be incompatible with the high legal station you sustain, may I be permitted to request your Lordship to have the goodness to present the enclosed Petition to the House of Lords. The case is one of great cruelty and oppression, and although the family, according to Mr. Thesiger's opinion *, cannot obtain any pecuniary advantage, yet the publicity it will give may, in a degree, lessen those cruel and unjust practices of unprincipled solicitors, and have a tendency to effect a public good.

I am, my Lord,
Your Lordship's most obedient humble servant,
FREDERICK BULL.

* The correctness of Mr. Thesiger's opinion is doubted. See 3 & 4 W. 4, c. 27, s. 3. Also, application was made to the Court of Chancery before the passing of that act.

XXIX.

To The Right Honourable the LORDS Spiritual and Temporal of
the United Kingdom of Great Britain and Ireland in Parlia-
ment assembled.

The humble Petition of Frederick Bull, of the Parish of St. Luke
in the County of Middlesex,

Sheweth,

That your Petitioner is entitled in right of his wife to property situated in the city of Ely in the county of Cambridge, which has been unjustly withheld from his family for the last thirty years: that the moiety of the estate was bequeathed by the late W——m of Ely to the late W——n (the nephew of the testator), your Petitioner's father-in-law; that the other moiety of the estate was bequeathed to H——h the niece of the wife of the testator, and wife of the late B—s of Ely. Your Petitioner begs to state to your Lordships, that the said B—s got possession of the estate; and that the said B—s, with the assistance of a solicitor, sold and conveyed the estate *privately* to a person named W——e: That your Petitioner's father-in-law made repeated attempts to recover his share of the property, but his limited circumstances prevented him attaining his object: That your Petitioner begs to state to your Lordships, that your Petitioner applied personally in open court to Lord Chancellor Brougham, for permission to sue in formâ pauperis for the recovery of his right, but that nobleman turned a deaf ear to your Petitioner's supplications: That your Petitioner subsequently made an application to the Court of King's Bench, when the learned judge informed your Petitioner that if a barrister would certify that there was cause of action, the court would then assist him: That your Petitioner begs to state to your Lordships that in compliance with that learned judge's directions, your Petitioner's case was, with pecuniary difficulty, submitted to counsel (Mr. Thesiger), and that counsel's opinion is, that your Petitioner is barred from recovery by the Statute of Limitations; thereby depriving your Petitioner of that assistance which the Court of King's Bench would have rendered your Petitioner for the recovery of his property.

That your Petitioner humbly hopes that your Lordships will be pleased to enact some measure which will simplify our civil

code of laws, and make them easy of access to the community at large, and prevent that circuitous and expensive mode by which they are at present administered, which, in the humble opinion of your Lordships Petitioner, is an evil that cannot be too much reprobated and condemned, for the poor man is excluded from obtaining redress, and the system also holds out a temptation to unprincipled practitioners to lend their assistance to fraudulent transactions. That an assimilation of the civil and criminal code is nothing more than justice and reason would dictate, for it is monstrous to witness the disparity in their application;—a poor wretch in a starving condition who deprives another of a trifling article is banished his country and deprived of his liberty, whereas fraud and robbery is committed in a different shape with impunity, unless the injured party possess the means to fee counsel. That your Petitioner has cause to lament that such a system, such an anomaly in the law, should still continue to exist, for it cannot be concealed that a certain description of solicitors do assist to a great extent in frauds which they know will entail ruin on families for generations to come, and your Lordships Petitioner begs to state, that had an easy access to our courts of law existed, your Petitioner's family would now be in possession of their right, and that instead of labour and toil for their daily bread, they would in all probability enjoy an easy competency, the withholding of which has acted as a destructive entail which cannot be cut off.

That the enactment of a measure which would alter a system so unjust in principle, cruel in operation, and ruinous in its consequences, would, in your Petitioner's humble opinion, not only be a national good, but also an honour to the legislature of the country.

And your Lordships Petitioner will ever pray.

XXX.

Sir,

Sergeant's Inn, 16 Nov. 1836.

I am directed by Lord Denman to return the enclosed Petition, and to state that his Lordship declines the honor of presenting it to the House of Lords.*

I have the honor to be, Sir,

Your obedient humble servant,

To Mr. F. Bull.

HY. THORNTON.

XXXI.

Extracted from the Registry of the Consistory Court of the
Lord Bishop of Ely.

THIS is the last Will and Testament of W—m W——m of Ely in the isle of Ely and county of Cambridge, butcher, made this twelfth day of June, in the year of our Lord one thousand seven hundred and eighty-two, as follows ; that is to say,

Imprimis. I give and devise all and singular my messuages, lands, tenements, hereditaments, and premises whatsoever and wheresoever situate in Ely aforesaid, or elsewhere in the kingdom of Great Britain, with their and every of their appurtenances, unto my beloved wife H——h and her assigns for and during her natural life, and from and immediately after her decease, I give and dispose thereof as follows, (that is to say) I give and devise all that my messuage or tenement wherein I now dwell, with the out-houses, yards, gardens, and appurtenances to the same belonging, unto my nephew W—m W——n of Ely aforesaid, butcher, and H——h the wife of A. B—s of Ely aforesaid, stone-mason, their heirs and assigns for ever, to hold as tenants in common and not as joint tenants. Item, I give and devise, (from and after the decease of my said wife H——h) all that my lot of fen or marsh ground, lying in a certain fen or place in Ely aforesaid, called Caudle Fen, with the appurtenances, unto my said nephew, W——m W——n, his heirs and assigns for ever. Item, I give and bequeath all and singular my wearing apparel, of whatever nature or kind soever, unto my said nephew W——m W——n, to and for his use absolutely. Item, I give and bequeath all the rest, residue, and remainder of

* The Petition was presented, Feb. 23, 1837, by Earl Radnor.

my goods and chattels, household goods and furniture, live stock and cattle, ready monies, debts, and securities for money, and all other my effects whatsoever and wheresoever, not herein-before by me disposed of, unto my said beloved wife H——h, to and for her use absolutely ; she paying thereout all such debts as I shall justly owe at the time of my decease, and my funeral expences. Item, I hereby nominate, constitute, and appoint my said beloved wife H——h sole executrix of this my will, hereby revoking all former wills by me at any time heretofore made. And lastly, I do publish and declare this to be my last Will and Testament. In witness whereof, I have hereunto set my hand and seal, this day and year first above written.

W—m W——m.

Signed, sealed, published, and declared by the said W—m W——m the testator, as and for his last will and testament, in the presence of us whose names are hereunto subscribed.

G. Hipwell. Thos. Boyce. Worth Marshall.

Feb. 11, 1793. Proved, by the oath of H—h W—m, the executrix above named *, before the Rev. James Bentham, clerk, Surrogate.

July 26, 1832. Examined, and agrees with the register.

Robt. Gee, Deputy Registrar.

XXXII.

Copy of a Letter from Messrs. E——s & Co., Solicitors, of Ely, to Mr. W——n, Solicitor, London.

Sir,

Ely, Oct. 4, 1832.

Mr. W——c of this place has laid before us letters to him of the 6th of August and the 25th of September last, claiming, on behalf of some of the children of the late W——m W——n, title to premises formerly W. W——m's, who, as you state, by his will dated 12th June 1782, devised the same to his nephew, the said W——n. We have now before us the title deeds to

* The Widow W——m died in 1798.

the property, from the year 1750. It is a very straitforward title. The property was in 1792 conveyed absolutely by Mr.W——m and his wife, in trust for themselves for life and the life of the longest liver, with remainder in trust for A——m B—s in fee, and Mr. B—s in 1799 conveyed to Mr.W——e: these two last deeds passed through our office. This claim is not new to us*; it originated from Mr.W——m's will having been found after his decease, and no notice having been taken of the conveyance to Mr. B—s for years after the date of the will.

We trust that after this candid statement of the matter you will not think it necessary to give Mr.W——e any more trouble on the business. He has already been put to considerable trouble and some expence in the matter, and we shall therefore consider it to be our duty to advise him not to pay attention to any further application on the subject.

We are, Sir,

Your most obedient servants,

E—s, A——R, & E—s.

* Two months previous to the date of this letter Mr.W——n sent his clerk down to Ely, to make inquiries respecting the claim, when Mr.E—s said that he never heard of the circumstance before, and was surprised that such a transaction should have taken place in Ely without his knowledge. Mr.W——n's clerk replied, "I can see how it is, and the thing will be looked into." Mr.E—s then said, "Well W——e has got plenty of money;" evidently supposing that that would deter Mr.W——n from proceeding. At the same time it was ascertained, by searching the court roll of the manor of Ely, that the land in Caudle Fen is copyhold, and also that it was sold by W——n to a person named Marshall, of which circumstance Mr.E—s could not be ignorant. Qu. How can Mr.E—s reconcile his statement respecting the existence of a *deed* with the *fact* that W——n was, at the death of Mrs.W——m put into possession of the *copyhold property*.

FINIS.



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